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Las Cruces Public Schools

Legal Counsel:
John Darden

April 12, 2010

Water Quality Control Commission
Attn: Joyce Medina Administrator
1190 St Francis Drive
PO Box 5469
Santa Fe, NM 87502

Subject: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners;

Please accept this letter, in support of the state's dairy industry, submitted on behalf of the Board of Directors of the Greater Las Cruces Chamber of Commerce and the 1200 plus member businesses and professionals throughout Dona Ana County who comprise our membership.

The dairy industry plays a vital role in the city of Las Cruces and Dona Ana County economies. Currently, Dona Ana County has approximately 12 dairies, and is ranked 28th for total monthly milk production (based upon May 2009) in the nation and 4th in the state (\approx 92.7 million pounds). The state's dairy industry ranks 9th nationally in total milk production and total number of cows contributing over 4% of the total milk supply. Speaking to production in this state, our dairies boast the largest average herd size (2,200 head) and annual pounds of milk per cow (24,320 lbs.) in the country.

The New Mexico dairy industry, according to the New Mexico State University Extension Dairy Program (NMSU), provided \$2.6 billion dollars in total economic impact and over 17,000 jobs to the state in 2006. In addition, the state's dairies are an important component of the economic synergies of the broader local agricultural economy, providing a convenient market for high quality alfalfa hay and other feeds grown locally. Manure from these dairies provides an economical supply of organic matter important to a healthy biological population of essential organisms within the cultivated soils.

Our dairies have diligently complied with all regulations promulgated by the New Mexico Environmental Department (NMED) and Water Quality Control Commission (WQCC) designed for the protection of surface and groundwater quality and supplies. Further, legacy groundwater impacts (where they occur) appear related to past NMED approved practices of manure-lined liquid manure retention structures (lagoons). Upgrade of these structures to clay and synthetic liners has resulted in stabilization and decline of groundwater impacts. NMSU estimates that over the last five years environmental compliance costs exceed \$250,000.00 per year. New Mexico Senate Bill 206 adopted in 2009 amended the Water Quality Act requiring the WQCC to formulate new regulations for dairies. The legislation established an advisory committee of experts to advise NMED on the science of ground water protection and the best **reasonable** and **proven** methods feasible for the dairy industry. Contrary to the intent of the legislation, NMED developed draft rules prior to the creation of an advisory committee and proceeded to reject most advice from the committee following its formation. Including citizen and industry representatives through this advisory committee is a crucial step. The Water Quality Control Commission has a responsibility to the public to incorporate their input and participation. Many of the rules proposed by NMED are more onerous than those for other states and have no scientific basis. This move toward over-regulation is based on the premise that current liquid manure management practices are insufficient, rather than the fact that NMED-approved past practices (manure lined lagoons) circa 1980's caused legacy groundwater impacts. This reliance on historic practices to justify over-regulation does not account for improvements in storage and handling of wastes using current technologies.

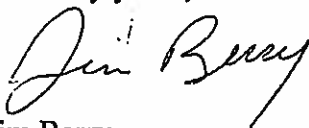
The Greater Las Cruces Chamber of Commerce believes the rules proposed by NMED represent a threat to the economic viability of all New Mexico dairies. Such regulation would result in the relocation of some dairies to other states. Others may simply go out of business. During the current economic times the dairy industry continues to struggle with low milk prices and high overhead costs putting most on this edge. Increased regulation causing significant costs cannot be borne by the industry at this time.

We further believe that current and future regulations imposed on the dairy industry in New Mexico must be based on scientifically established findings. We believe NMED must show that proposed regulations will positively impact the quality of ground water under and near dairies so regulated. In addition, the protective methods proscribed by regulation have been determined to be as cost effective as alternative available methods.

The Greater Las Cruces Chamber of Commerce strongly opposes the current draft of regulations and urges the Water Quality Control Commission to require NMED to adhere to the intent and provisions of the 2009 legislation.

Thank you for your consideration of our comments and support of the state's dairy industry.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Jim Berry". The signature is fluid and cursive, with the first name "Jim" and last name "Berry" clearly distinguishable.

Jim Berry
President/CEO
Greater Las Cruces Chamber of Commerce

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of S Lippman [susannah@alphasonics.com]
Sent: Monday, April 12, 2010 12:49 PM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 12, 2010

WQCC Commissioners c/o Joyce Medina

To WQCC c/o Joyce Medina,

Thank you for accepting the difficult but historic task of modernizing our failing dairy groundwater discharge regulations. Your decisions will define the dairy industry's responsibility and the Environment Department's ability to redefine themselves as effective guardians of our water resources - while the industry continues to profit.

As the State's highest authority for protecting New Mexico's precious water resources, and as the body that safeguards these public resources in trust for all New Mexicans, I ask for your most serious review of the proposed changes to the existing dairy discharge regulations proposed by the Environment Department and the Citizen Coalition. The dairy industry's regulatory proposal to you, which substantially weakens the discharge regulations currently on the books, ignores the obvious necessity of improved regulations and turns its back on the notion of accountability for the damage happening to our water resources.

Please do not cave in to industry demands, as so much of our government has been doing. This unfettered corporate power is at the root of the majority of today's problems.

More comprehensive dairy discharge regulations that will be in effect for many years, should not be compromised to account for temporary market fluctuations. The New Mexico dairy industry complains to you of tough economic times, while industry leaders predict locally that business will be good again by summer.

I ask you to adopt discharge permit regulations for the dairy industry that are the most protective of, and that will begin to more effectively safeguard our increasingly threatened water resources.

Sincerely,

Ms. S Lippman
35 Cuesta Rd
Santa Fe, NM 87508-8781

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Susan Geores [geores@aps.edu]
Sent: Monday, April 12, 2010 9:49 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 12, 2010

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Sincerely,

Susan Geores
9505 Spanish Point Pl NW
Albuquerque, NM 87114-3601

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Jeff Jolly [vonjolly@comcast.net]
Sent: Monday, April 12, 2010 10:19 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 12, 2010

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Sincerely,

Mr. Jeff Jolly
100 Vissing Pl
Los Lunas, NM 87031-7610

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Joseph Whiteman [jwhiteman@desertgate.com]
Sent: Monday, April 12, 2010 10:19 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 12, 2010

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I will be ever so happy to pay a bit more for my milk products if that will help make my water cleaner. That's it, right? If everyone gets on board we can have most of our way of life and a much healthier environment. Lacking only is leadership and I'm hoping you legislators will pitch in with that.

Thanks,
Joe Whiteman

I ask you to adopt discharge permit regulations for the dairy industry that are the most protective of, and that will begin to more effectively safeguard our increasingly threatened water resources.

Sincerely,

Dr. Joseph Whiteman
2008 Longview Dr
Las Vegas, NM 87701-4679

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of E Marie Butler [mbutler@da2nd.state.nm.us]
Sent: Monday, April 12, 2010 10:19 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 12, 2010

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Sincerely,

Ms. E Marie Butler
12226 Kinley Pl NE
Albuquerque, NM 87112-5742

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of M Holzwarth [holzwarth@uiuc.edu]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 10, 2010

WQCC Commissioners c/o Joyce Medina

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Sincerely,

Dr. M Holzwarth
76 Quartzite Ridge Rd
Hillsboro, NM 88042-9511

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Jean Apgar [jeanlcnm@gmail.com]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 10, 2010

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Sincerely,

Ms. Jean Apgar
1155 N Miranda St Apt H2
Las Cruces, NM 88005-2066

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Loras Coakley [loras2000@aol.com]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 10, 2010

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Quantity does not always do something toward Quality....more is not necessarily better.

This analogy isn't too far fetched: 'For the same reason we do not assign one bath room to 1000 people, do not assign 10,000 cows to one small acreage dairy.

I was raised on a farm, on Iowa farmland; I refuse to eat any food coming from CAFOs.....too much (if not all) of it is not fit to eat.

Save factories for manufacturing hard/soft goods, not food.

Quit taking farming from farmers. 'Blah' to 'free enterprise'; there's no such thing as free. Pay your own way. Stop paving the way for polluters disguised as 'entrepreneurs/big business/cheap food producers.

I ask you to adopt discharge permit regulations for the dairy industry that are the most protective of, and that will begin to more effectively safeguard our increasingly threatened water resources.

Sincerely,

Mr. Loras Coakley
40 Camino Vega Verde
Corrales, NM 87048-8529

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Nicole Sylvester [nsylvest@nmsu.edu]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 10, 2010

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Sincerely,

Ms. Nicole Sylvester
4428 Los Arboles Dr
Las Cruces, NM 88011-0901

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Susan Rossmann [szros9@yahoo.com]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

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Our state is a desert state - it's reasonable and imperative that we protect what water we have from pollution.

I ask you to adopt discharge permit regulations for the dairy industry that are the most protective of, and that will begin to more effectively safeguard our increasingly threatened water resources.

Sincerely,

Ms. Susan Rossmann
1575 E Griggs Ave
Las Cruces, NM 88001-2607

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Barbara Moore [bluecanyon@wildblue.net]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 10, 2010

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What is more essential? Milk or clean drinkable water? Money earned by the dairy farmers is not more important than enough good water for everybody.

I ask you to adopt discharge permit regulations for the dairy industry that are the most protective of, and that will begin to more effectively safeguard our increasingly threatened water resources.

Sincerely,

Ms. Barbara Moore
HC 64 Box 13
Magdalena, NM 87825-9801

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Shannon Caruso [econurse@comcast.net]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

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We can't be short-sighted and destroy our water and our othr resources!!!!

I ask you to adopt discharge permit regulations for the dairy industry that are the most protective of, and that will begin to more effectively safeguard our increasingly threatened water resources.

Sincerely,

Ms. Shannon Caruso
7 Lumax Rd
Los Lunas, NM 87031-7152

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Robert Myers [jrr@dfn.com]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

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Water, in New Mexico, is of paramount concern. Making life easier for an industry at the expense of safe water is unacceptable. It should be the concern of the dairies to minimize their impact, not to minimize regulation. More comprehensive dairy discharge regulations that will be in effect for many years, should not be compromised to account for temporary market fluctuations. The New Mexico dairy industry complains to you of tough economic times, while industry leaders predict locally that business will be good again by summer.

I ask you to adopt discharge permit regulations for the dairy industry that are the most protective of, and that will begin to more effectively safeguard our increasingly threatened water resources.

Sincerely,

Mr. Robert Myers
5210 N Eisenhower Rd
Roswell, NM 88201-8603

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Joanne Cockerill [joannecockerill@hotmail.com]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

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Sincerely,

Ms. Joanne Cockerill
PO Box 225
Silver City, NM 88062-0225

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Arbie Hansen [hanfor@gmail.com]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

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Sincerely,

Ms. Arbie Hansen
1316 Princeton Dr NE
Albuquerque, NM 87106-2619

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Naima Shea [naimashea@earthlink.net]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

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To WQCC c/o Joyce Medina,

Thank you for accepting the difficult but historic task of modernizing our failing dairy groundwater discharge regulations. Your decisions will define the dairy industry's responsibility and the Environment Department's ability to redefine themselves as effective guardians of our water resources - while the industry continues to profit.

As the State's highest authority for protecting New Mexico's precious water resources, and as the body that safeguards these public resources in trust for all New Mexicans, I ask for your most serious review of the proposed changes to the existing dairy discharge regulations proposed by the Environment Department and the Citizen Coalition. The dairy industry's regulatory proposal to you, which substantially weakens the discharge regulations currently on the books, ignores the obvious necessity of improved regulations and turns its back on the notion of accountability for the damage happening to our water resources.

More comprehensive dairy discharge regulations that will be in effect for many years, should not be compromised to account for temporary market fluctuations. The New Mexico dairy industry complains to you of tough economic times, while industry leaders predict locally that business will be good again by summer.

Additionally, it would be far more beneficial for everyone's health if people were encouraged to have small, local dairies--sheep, goat and cow--and raise the animals organically. Personally, I would NEVER purchase commercial dairy products, because the feed the animals receive is laden with pesticides and herbicides and the animals themselves are loaded up with antibiotics and other harmful chemicals, which have been shown to produce CANCER in human beings.

We need VERY STRONG LAWS, most especially against any industries which are large and corporate. Our history, past AND present, shows us that corporations have neither morals nor conscience, and are driven almost exclusively self-interest and profit.

Thank you for reading my comments.

I ask you to adopt discharge permit regulations for the dairy industry that are the most protective of, and that will begin to more effectively safeguard our increasingly threatened water resources.

Sincerely,

Ms. Naima Shea
PO Box 1169
Ranchos De Taos, NM 87557-1169

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Martha Novak [charles.j.novak@jci.com]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 10, 2010

WQCC Commissioners c/o Joyce Medina

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Sincerely,

Dr. Martha Novak
329 Sierra Pl NE
Albuquerque, NM 87108-1138

Medina, Joyce, NMENV

From: Sierra Club Membership Services [membership.services@sierraclub.org] on behalf of Sydney Walter [sydmusai@swcp.com]
Sent: Saturday, April 10, 2010 8:14 AM
To: Medina, Joyce, NMENV
Subject: Re: Proposed Amendment to 20.6.2 NMAC (Dairy Regulations)

Apr 10, 2010

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I ask you to adopt discharge permit regulations for the dairy industry that are the most protective of, and that will begin to more effectively safeguard our increasingly threatened water resources.

Sincerely,

Mr. Sydney Walter
546 Harkle Rd Ste C
Santa Fe, NM 87505-4784